

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

ANGELO MICHEL,

Defendant.

X  
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No. 11 Cr. 755 (JFK)  
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No. 19 Civ. 5919 (JFK)  
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**ORDER**

JOHN F. KEENAN, United States District Judge:

On August 30, 2019, Defendant-Petitioner Angelo Michel ("Michel") filed an amended motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Docket No. 11 Cr. 755; ECF No. 418). One of the arguments Michel raises in support of his motion is that he received constitutionally ineffective assistance of trial counsel and appellate counsel. (ECF No. 418.)

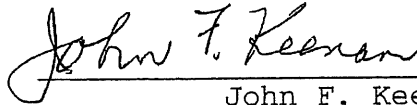
In order to resolve Michel's ineffective assistance of counsel claims, it is necessary for the Court to hear from Michel's trial counsel, Xavier Robert Donaldson, and appellate counsel, Devin McLaughlin. See Puglisi v. United States, 586 F.3d 209, 213 (2d Cir. 2009). Michel, by raising a claim of ineffective assistance of counsel in his motion, has waived attorney-client privilege as a matter of law. See Coluccio v. United States, 289 F. Supp. 2d 303, 305 (E.D.N.Y. 2003). The Court recognizes, however, that absent a court order, ethical concerns may inhibit counsel from disclosing confidential

information relating to a prior client. See, e.g., ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July, 14, 2010), Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim.

Accordingly, it is hereby ORDERED that Michel's former attorneys, Xavier Robert Donaldson and Devin McLaughlin, shall give sworn testimony, in the form of an affidavit, addressing Michel's allegations of ineffective assistance of counsel by no later than June 17, 2022.

**SO ORDERED.**

Dated: New York, New York  
May 27, 2022

A handwritten signature in cursive script that reads "John F. Keenan". The signature is written in dark ink and is positioned above a horizontal line.

John F. Keenan  
United States District Judge